

REMARKS

Claims 1-14 are now pending in the application, with claim 1 being the only independent claim. Claims 1-12 have been amended. Claims 13 and 14 have been newly added. The specification has been objected to for a minor informality. Claims 3, 4, and 8 have been objected to for various informalities. Claims 1-12 have been rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,089,086 ("Swindler").

Priority

The Office Action notes that no certified copy of the priority document, Israeli Patent No. 176167, has been filed. However, the foreign priority application claimed in the present application is DE 10 2004 002 461.8, as listed in the Declaration and on the published version of International application PCT/EP2004/053583. Accordingly, the statement in the Office Action should be rescinded.

Objection to the specification

The Office Action states that the specification has been objected to because the word "abovementioned" should be "above mentioned". The specification has been amended accordingly. Applicants submit that this objection has been overcome.

Objections to the claims

With respect to claim 3, the Office Action states that the claim depends on claim 1 or 2 and has no antecedent bases for "the front side" or "the rear side". Claim 3 has been amended to

depend only from claim 2 and thereby provide proper antecedent basis for “the front side” and “the rear side”.

The Examiner further states that he finds the use of the “holding part” and “housing parts” confusing and requests that the term “housing parts” be changed. Applicants submit that the terms “holding part” and “housing part” are clearly and consistently distinguished in the Figures and throughout the specification, and would be easily distinguished by someone skilled in the art. Therefore, Applicants submit that changing the term “housing parts” is unnecessary and burdensome, since the term would need to be changed in all the claims and throughout the specification.

With respect to claim 4, the Office Action states that “a lever arm” should read “the lever arm” and “a float” should read “the float”. Claim 4 has been amended accordingly.

With respect to claim 8, the Office Action states that the phrase “the holding part has arms” is indefinite because the term “arm” is used in claim 1 to refer to the “lever arm”. Claim 8 has been amended to recite “lateral arms” to distinguish the term “arms” from the term “lever arm” recited in claim 1.

The Office Action also states that the phrase “has arms partially engaging around it” is indefinite because of the use of the word “it”. Claim 8 has been amended to replace the word “it” with “the support”.

In view of the above amendments and remarks, applicants submit that these objections have been overcome.

Rejection of claims 1-12 under 35 U.S.C. §102(b)

Claims 1-12 are rejected in the Office Action as anticipated by U.S. Patent No. 6,089,086 (“Swindler”).

Independent claim 1 has been amended to recite a level sensor for determining a fuel level in a fuel tank of a motor vehicle that includes, “a support configured for fastening the level sensor inside the fuel tank, a holding part connected to the support, a mounting arranged on the holding part, a float, a lever arm supporting the float, and fastening means arranged on the holding part and the support, wherein the fastening means of the holding part correspond with the fastening means of the support in at least two different relative positions of the holding part when the holding part is rotated about at least one of a horizontal axis and ~~about~~ a vertical axis so that the holding part is selectively connectable to the support in each of the at least two different relative positions”: Support for the claim amendment can be found in Figs. 3-6 and paragraphs [0027]-[0031] of Applicants’ specification.

Swindler fails to teach or suggest a level sensor for determining a fuel level in a fuel tank of a motor vehicle, “wherein the fastening means of the holding part correspond with the fastening means of the support in at least two different relative positions of the holding part when the holding part is rotated about at least one of a horizontal axis and a vertical axis so that the holding part is selectively connectable to the support in each of the at least two different relative positions”, as recited in Applicants’ amended claim 1.

Swindler discloses a float-type liquid level gauge for measuring the level of a liquid such as LPG within a horizontally oriented cylindrical tank (228). The gauge includes a movable pivot arm (212) supporting a float arm assembly (225) and coupled by gears (207, 214) to a magnet shaft (206, 208) and magnet (210) mounted in a rigid support arm (204) through a sideways-

securing shaft channel (209). The support arm of Swindler is connected to the lower side of a gauge head (202) and the magnet extends into a passage (52) in the gauge head so as to be magnetically coupled to a level indicating dial (226) provided on the upper side of the gauge head. The lower portion (302) of the support arm is angled and offset with respect to a longitudinal axis (265) such that a high ratio can be obtained between the gears while still permitting the components of the gauge to pass through the opening of a standard pressure fitting (234) (see Abstract and Figs. 20-21 of Swindler).

The Examiner alleges that Figs. 21, 22a, and 24a of Swindler teach Applicants' claimed level sensor. In particular, the Examiner asserts that element 202, element 204, element 212, element 256, element 90, and element 220 of Swindler correspond to Applicants' recited support, holding part, lever arm, mounting, fastening means, and float, respectively.

However, Swindler does not teach or suggest that the holding part (element 204) can be connected to the support (element 203) in any of the configurations shown in Figs. 3-6 of Applicants' specification. Swindler only teaches that the holding part 204 can rotate about a longitudinal axis while connected to the support 202 (see col. 15, lines 40-45 of Swindler). Since the holding part 204 is suspended from the support 202 at one end, and the lever arm is coupled to the other end, the holding part 204 clearly cannot be rotated about a horizontal axis, which is in contrast to Applicants' claim 1.

Therefore, Swindler clearly fails to teach or suggest "wherein the fastening means of the holding part correspond with the fastening means of the support in at least two different relative positions of the holding part when the holding part is rotated about at least one of a horizontal axis and a vertical axis so that the holding part is selectively connectable to the support in each of the at least two different relative positions", as recited in Applicants' amended claim 1.

In view of the foregoing, Applicants submit that Swindler fails to teach or suggest the subject matter recited in independent claim 1. Accordingly, claim 1 is patentable over Swindler under 35 U.S.C. §102(b).

Claims 2-12, which depend from independent claim 1, incorporate all of the limitations of independent claim 1 and are, therefore, deemed to be patentably distinct over Swindler for at least those reasons discussed above with respect to independent claim 1.

Newly added claims 13 and 14

Claims 13 and 14 have been newly added. Support for newly added claim 13 can be found in Fig. 1 of Applicants' specification. Support for newly added claim 14 can be found in Figs. 3-6 and paragraphs [0027]-[0031] of Applicants' specification.


Claims 13 and 14, which depend from independent claim 1, incorporate all of the limitations of independent claim 1 and are, therefore, deemed to be patentably distinct over Swindler for at least those reasons discussed above with respect to independent claim 1.

Conclusion

In view of the foregoing, reconsideration and withdrawal of all rejections, and allowance of all pending claims is respectfully solicited.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

Respectfully submitted,
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